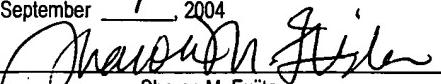


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On September 9, 2004

By:

  
Sharon M. Fujita

Attorney Docket No: 0174.210US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wilkinson, et al.

Application No.: 10/081,526

Filed: February 21, 2002

For: METHODS FOR IMPROVING OR ALTERING  
PROMOTER/ENHANCER PROPERTIES

Examiner: Not yet assigned

Art Unit: Not yet assigned

COMMUNICATION

Mail Stop MISSING PARTS  
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Sir:

Responsive to the "NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES," mailed July 28, 2004, Applicants submit a copy of the NOTICE and a substitute computer readable form copy of the Sequence Listing.

The undersigned hereby states that the content of the paper Sequence Listing previously submitted and the enclosed substitute computer readable copy of the Sequence Listing are the same, and that the substitute computer readable copy of the Sequence Listing includes no new matter.

No fee is believed due in connection with this submission. However, the Commissioner is

Wilkinson, et al.  
USSN 10/081,526  
Filed February 21, 2002  
Page 2 of 2

hereby authorized to charge any deficiencies in fees in connection with this submission to Deposit Account 50-0990.

September 9, 2004

MAXYGEN, INC.  
Patent Department  
515 Galveston Drive  
Redwood City, CA 94063  
Telephone: (650) 298-5421  
Facsimile: (650) 298-5446  
Customer No. 30560

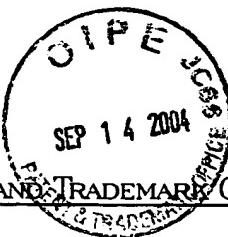
Respectfully submitted,



Sharon M. Fujita  
Reg. No. 38,459



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/081,526	02/21/2002	Jack Wilkinson	174.210US

30560  
MAXYGEN, INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
515 GALVESTON DRIVE  
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CONFIRMATION NO. 1010  
FORMALITIES LETTER



\*OC000000013364732\*

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Date Mailed: 07/28/2004

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
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*A copy of this notice **MUST** be returned with the reply.*

*Chenhai*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

BIOTECHNOLOGY  
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CRF Problem Report

SEP 14 2004

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 10/081,526A  
 Filing Date: 02/21/2002  
 Date Processed by STIC: 10/25/02

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

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- (circle one) Damaged or Unreadable (for Unreadable, see attached)
- Blank (no files on CRF) (see attached)
- Empty file (filename present, but no bytes in file) (see attached)
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- Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should only be the Sequence Listing.
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PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.  
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Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

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2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
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Revised 01/29/2002